

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

226957

STB Finance Docket No. 35305

**BNSF RAILWAY COMPANY'S REPLY TO THE
SHIPPER INTERESTS' JOINT PETITION FOR EXTENSION OF TIME TO FILE
REBUTTAL EVIDENCE AND ARGUMENT**

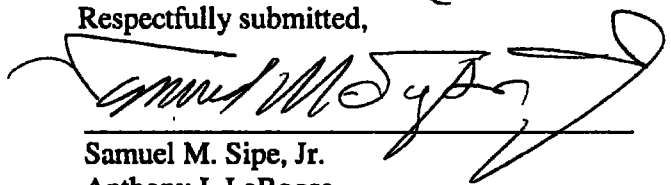
BNSF Railway Company ("BNSF") hereby replies to the Joint Petition for Extension of Time to File Rebuttal Evidence and Argument served by the so-called "Shipper Interests" on May 5, 2010. The Shipper Interests seek to extend the deadline for filing rebuttal evidence by eighteen days—from May 17, 2010, to June 4, 2010. Although BNSF does not oppose an extension, BNSF believes that a shorter ten-day extension to May 27, 2010, is more appropriate because of the expedited nature of this proceeding.

As the Board is aware, BNSF suspended the effective date of its coal dust tariff provisions (items 100 and 101 of BNSF's Rule Publication 6041-B) from November 1, 2009, to August 1, 2010, so that the Board would have a chance by that date to affirm the reasonableness of BNSF's coal dust standards. For that same reason, BNSF proposed an expedited schedule for this proceeding (AECC also proposed an expedited schedule), and the Board set such a schedule. In light of the expedited nature of this proceeding and the fast-approaching August 1st effective date of BNSF's coal dust tariff provisions, BNSF believes that the deadline for filing rebuttal evidence should be extended to no later than May 27, 2010.

A ten day extension will be sufficient to avoid prejudice to any party. It means that the parties to this proceeding would have nearly four weeks to prepare rebuttal evidence.

Richard E. Weicher
Jill K. Mulligan
BNSF RAILWAY COMPANY
2500 Lou Menk Drive
Fort Worth, TX 76131
(817) 352-2353

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samuel M. Sipe, Jr.", written over a horizontal line.

Samuel M. Sipe, Jr.
Anthony J. LaRocca
Kathryn J. Gainey
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-3000

ATTORNEYS FOR
BNSF RAILWAY COMPANY

May 6, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May 2010, I caused a copy of the foregoing BNSF's Reply to the Shipper Interests' Joint Petition for Extension of Time to File Rebuttal Evidence and Argument to be served on the following Parties of Record by e-mail and First-Class mail postage prepaid:

Mr. Eric Von Salzen
McLeod, Watkinson & Miller
One Massachusetts Avenue, NW, Suite 800
Washington, DC 20001
evonsalzen@mwmlaw.com

Counsel for Arkansas Electric Cooperative Corporation

Mr. Joe Rebein
Shook, Hardy & Bacon LLP
2555 Grand Blvd.
Kansas City, Missouri 64108-2613
jrebein@shb.com

Counsel for Union Pacific Railroad Company

Ms. Sandra L. Brown
Thompson Hine LLP
1920 N Street, NW, Suite 800
Washington, DC 20036
Sandra.Brown@ThompsonHine.com

Counsel for Ameren Energy Fuels and Services Company and Texas Municipal Power Agency

Mr. Kelvin J. Dowd
Slover & Loftus LLP
1224 Seventeenth Street, NW
Washington, DC 20036-3003
kjd@sloverandloftus.com

Counsel for Consumers Energy Company

Mr. John H. LeSeur
Slover & Loftus LLP
1224 Seventeenth Street, NW
Washington, DC 20036-3003
jhl@sloverandloftus.com

Counsel for Western Coal Traffic League

Mr. C. Michael Loftus
Slover & Loftus LLP
1224 Seventeenth Street, NW
Washington, DC 20036-3003
cml@sloverandloftus.com

Counsel for Concerned Captive Coal Shippers

Mr. Michael F. McBride
Van Ness Feldman, PC
1050 Thomas Jefferson Street, NW
Suite 700
Washington, DC 20007-3877
mfm@vnf.com

*Counsel for American Public Power
Association, Edison Electric Institute, and
National Rural Electric Cooperative
Association*

Mr. Frank J. Pergolizzi
Slover & Loftus LLP
1224 Seventeenth Street, NW
Washington, DC 20036
fjp@sloverandloftus.com

*Counsel for Entergy Arkansas, Inc., Entergy
Gulf States Louisiana, LLC, and Entergy
Services, Inc.*

Mr. Thomas W. Wilcox
GKG Law, PC
Canal Square
1054 Thirty-First Street, NW, Suite 200
Washington, DC 20007-4492
twilcox@gkglaw.com

*Counsel for National Coal Transportation
Association and TUCO Inc.*

Paul R. Hitchcock
500 Water Street, J150
Jacksonville, Florida 32202
paul_hitchcock@csx.com

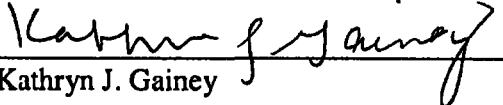
Counsel for CSX Transportation, Inc.

Mr. G. Paul Moates
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
pmoates@sidley.com

*Counsel for Norfolk Southern Railway
Company*

Mr. Paul Samuel Smith
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Room W94-316 C-30
Washington, DC 20590
paul.smith@dot.gov

Mr. Charles A. Stedman
L.E. Peabody & Associates, Inc.
1501 Duke Street, Suite 200
Alexandria, Virginia 22314


Kathryn J. Gainey